

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARCHIBALD CUNNINGHAM,

Plaintiff,

No. C 15-80233 MISC

v.

KEVIN SINGER, CITY AND COUNTY
OF SAN FRANCISCO, DISTRICT
ATTORNEY GEORGE GASCON,
ATTORNEY GENERAL KAMALA
HARRIS, JUDGE RONALD
QUIDACHAY, JUSTICE ANTHONY
KLINE, JUSTICE TANI CANTIL-
SAKAUYE, MICHAEL COOMBS,
TAMARA WOODS, SCOTT MCKAY,
ED DELESKI, ROGER LANDRY,
MELODY ROYAL, and MICHAEL
SIMONICH,

Defendants.

**ORDER RE ARCHIBALD
CUNNINGHAM'S PROPOSED
LAWSUIT**

In January of this year, the undersigned judge declared Archibald Cunningham a vexatious litigant (Case No. 14-cv-3250; Dkt. No. 113). At that time, Cunningham had filed twenty-one different actions against the same defendants, and subsequently against the judges who ruled against him, in connection with an unlawful detainer dispute regarding the property located at 1487–1489 McAllister Street in San Francisco. Cunningham had also been declared a vexatious litigant in state court. During the hearing on the vexatious litigant motion in federal court, Cunningham stormed out of the courtroom screaming “Justice! Justice! Justice!” while the undersigned judge was in the middle of making a ruling. In declaring Cunningham a vexatious litigant, the undersigned judge held that Cunningham would be subject to the following pre-filing review (*id.* at 9):

Plaintiff must submit to pre-filing review of any *pro se* complaint filed in the Northern District of California against Michael Coombs, Tamara Woods, Scott McKay, Kevin Singer, or any judicial or court officer relating to the property at 1487–1489 McAllister Street in San Francisco, or any subsequent dispute relating to that property. The Clerk shall then forward any complaints or notices of appeal submitted by plaintiff to the undersigned for pre-filing review. If the Court ascertains that the complaint or notice of appeal is duplicative or frivolous, it will not be filed and will be returned to plaintiff. If the Court finds that the proposed pleading meets the pleading standards, it will be given to the Clerk with instructions to file it.

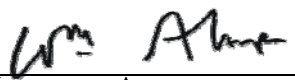
Now, Cunningham has filed another *pro se* lawsuit against Coombs, Woods, McKay, Singer and several others. The present suit also names California Attorney General Kamala Harris, San Francisco District Attorney George Gascon, and several judges as defendants. In essence, the 63-page complaint is a rehashing of all of Cunningham’s grievances with the named defendants regarding the McAllister Street property. The complaint states (Compl. at 6):

Having been locked out of the state court for essentially five years, Plaintiff now files this civil rights lawsuit with its state law claims and asks the district court to set-aside [sic] the sale order and finally vindicate his fundamental contractual rights under the parties’ 2009 CC&Rs and adjudicate the issues of Mr. McKay’s fraudulent substitution of material terms in his various pleadings.

As stated in the order declaring Cunningham a vexatious litigant, “[f]ederal court is not a super appellate court meant to supervise the conduct of the state court system” (Case No. 14-cv-3250; Dkt. No. 113 at 3). Cunningham’s latest lawsuit is simply a repeat of his previous ones. It relates to the same property, the same defendants, the same judges that had previously ruled against him, and, this time, he has added San Francisco’s District Attorney and California’s Attorney General as defendants. The new lawsuit is both duplicative and completely frivolous and permission to file it is **DENIED**. The Clerk shall **RETURN THE COMPLAINT TO CUNNINGHAM**.

IT IS SO ORDERED.

Dated: September 8, 2015.


 WILLIAM ALSUP
 UNITED STATES DISTRICT JUDGE